

REMARKS

1. Claims 17-19, 37-39, and 42-66 were pending. No claims have been added or cancelled. Claims 18, 38, 43, 53, 60-62, and 65-66 have been amended. No new matter has been added. Claims 17-19, 37-39, and 42-66 are now pending. Reexamination and reconsideration of the application, as amended, are requested.

2. Rejections under 35 U.S.C. §103(a)

Claims 17-19, 37-39, 42, and 62-65 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,452,35 to Malouf et al. (hereinafter "Malouf") in view of the obviousness in the art. The Applicant respectfully traverses the rejection and requests consideration of the following.

A. Independent Claims 17, 37, and 42

Independent Claims 17, 37, and 42 recite particular limitations as follows:

Claim 17: "for each packet that holds a clock license, advancing the clock at the destination computer as dictated by the clock license in response to receiving the packet at the destination computer"

Claim 37: "clock licenses that each dictate advancement of a clock that regulates rendering of the data in the packets"

Claim 42: "a clock license being encapsulated into at least one packet for advancing a clock at a destination when processed at the destination"

B. The Teaching of Malouf

With respect to Malouf, the Office Action notes the absence of teaching of a clock license and that Malouf makes no mention of the regulation of the rendering of data based upon a clock license. The Office Action also correctly observes that Malouf does not teach that data in packets are rendered by the regulation of a clock license.

1 The Office Action, however, does not observe that Malouf fails to teach:

- 2 (i) a clock is *advanced* as dictated by a clock license;
- 3 (ii) for each packet that holds a clock license, *advancing* a clock at a
- 4 destination computer;
- 5 (iii) a destination has a clock that is *advanced* when processing a clock license
- 6 (iv) a clock license in a packet to *advance* a clock;
- 7 (v) a clock license in a packet to *advance* a clock that regulates rendering of
- 8 data in packets; and
- 9 (vi) a clock license in a packet to *advance* a clock at a destination when
- 10 processed at the destination.

11 The limitations relating to the 'advance' of a clock are recited in Claims 17, 37, and 42,

12 yet are missing both in Malouf and the Office Action. The Office Action does, however,

13 offer "the obviousness in the art" in order to establish the teaching lacking Malouf in

14 order to make the subject rejection. Passages from six (6) references are given to show

15 "the obviousness in the art". The Office Action concludes the obviousness rejection with

16 the using of a "clock signal or clock license to regulate and render the data packets into

17 the Malouf's apparatus in order to utilize the class of clock object, synchronization

18 scheme. Doing so would provide quick, simple and efficient clock signal that regulates

19 rendering the data packets."

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21 The Applicant's representative has carefully reviewed each of the six passages

22 called out in the Office Action. This review did not find a teaching, either alone or in

23 combination, either explicit or implicit, of the teachings noted above that are missing

24 from Malouf.

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1 The distinctions with respect to independent Claims 17, 37, and 42 are set forth
2 above for both Malouf and the art referred to in the Office Action. These distinctions, as
3 embodied in the recited limitations, are missing from both the applied art and the art of
4 record, either alone or in combination. Moreover, the recited limitations are not
5 otherwise supported by way of official notice, stated scientific theory, basis for common
6 knowledge in the art, or cited legal precedent. Applicant does not admit these recited
7 limitations as being obvious and therefore makes a demand for evidence. Absence such
8 evidence, the independent Claims 17, 37, and 42 are properly allowable over both Malouf
9 and "the obviousness in the art".
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12 3. Objections To Claims

13 The Office Action indicated at paragraph 11 that Claims 60-61, 53-59, and 43-
14 52 were allowable if rewritten. Accordingly, these claims have been rewritten and are
15 therefore allowable. Claims 18-19 have been amended to depend from allowable Claim
16 43 and are therefore allowable. Claims 38-39 have been amended to depend from
17 allowable Claim 53 and are therefore allowable. Claims 62-66 have been amended to
18 depend from allowable Claim 60 and are therefore allowable.
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20 4. Conclusion

21 The Applicant respectfully maintains that the present application is in condition
22 for allowance. Reconsideration of the rejections and objections is requested. Allowance
23 of Claims 17-19, 37-39, and 42-66 at an early date is solicited. In the event that the
24 Examiner finds any remaining impediment to a prompt allowance of this application that
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1 could be clarified by a telephonic interview, the Examiner is respectfully requested to
2 initiate the same with the undersigned attorney.

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4 Dated this 28th day of May, 2003.

5 Respectfully submitted,

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